

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	LOUIS J. FERRO,	: Chapter 13
	Debtor	: Case No. 19-12816-mdc
		:
	Delaware County Tax Claim Bureau	:
	Movant	:
		:
	vs.	:
		:
	Louis J. Ferro	:
	Respondent	:
		:
	and	:
		:
	William C. Miller	:
	Trustee	:

**MOTION OF DELAWARE COUNTY TAX CLAIM BUREAU
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362 OF THE
UNITED STATES BANKRUPTCY CODE PURSUANT TO BANKRUPTCY
PROCEDURE RULE 4001**

Movant, the Delaware County Tax Claim Bureau, by and through its counsel Toscani & Gillin, P.C. hereby request a termination of the Automatic Stay and leave to sell certain property owned by debtor and respectfully avers as follows:

1. Movant, the Tax Claim Bureau of Delaware County is a County Agency responsible for collecting past due real estate taxes in Delaware County, Pennsylvania.
2. Debtor, Louis Ferro (“Debtor”) is the owner of 302 Christopher Drive, Glen Mills, Delaware County, Pennsylvania, bearing Folio No.: 16-13-01438-02 (“subject premises”).

3. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on May 1, 2019.
4. Prior to filing the Petition, Debtor was delinquent with the real estate taxes on the subject premises for the tax years 2017 and 2018 in the amount of \$19,664.22. A true and correct copy of the Proof of Claim is attached hereto and made a part hereof as Exhibit "A".
5. After the above-referenced Petition was filed, the Debtor became delinquent with the real estate taxes due on the subject premises for the year 2019 totaling \$5,371.36 as of January 2021. A true and correct copy of the post-petition taxes due on the subject premises are attached hereto, made part hereof and collectively marked as Exhibit "B".
6. The Delaware County Tax Claim Bureau is not adequately protected because the Debtor made no provision for the payment of the ongoing real estate taxes on the subject premises after the filing of the Petition.
7. That Pennsylvania allows a tax claim bureau of a Second Class County to add nine percent (9%) interest on all delinquent real estate taxes turned over to the tax claim bureau for collection. The application of the interest charge is authorized by Section 306 of the Real Estate Tax Sale Law, Act 542 of 1947 as amended. Codified at 72 P.S. §5860.101, *et seq.*
8. That interest at the rate of nine percent (9%) will continue to accrue on the delinquent real estate tax balance until the taxes, fees and costs are paid in full.
9. The Movant requests relief from Rule 4001 (a)(3) to sell the subject real estate in

the next delinquent real estate tax sale.

WHEREFORE, the Delaware County Tax Claim Bureau respectfully requests this Honorable Court to enter an Order modifying the Automatic Stay with regard to the Delaware County Tax Claim Bureau and 302 Christopher Drive, Glen Mills, Delaware County, Pennsylvania, bearing Folio No.: 16-13-01438-02 to allow the Delaware County Tax Claim Bureau to sell said real property at the next available County Tax Sale and that Rule 4001 (a)(3) is not applicable to the Delaware County Tax Claim Bureau.

Respectfully submitted:

TOCANI & GILLIN, P.C.

Date: 1/26/2021

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